

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DWAYNE E. BANKS,	)	
Plaintiff,	)	
vs.	)	No. 3:08-CV-0474-K
	)	
D. GAMMON, et al.,	)	
Defendants.	)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, *Defendant Valdez's Motion to Dismiss Under Rule 12(b)(1) and Rule 12(b)(6)*, filed August 14, 2009, (doc. 22), is **GRANTED** to the extent it seeks dismissal pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff's claims against Defendant Valdez are dismissed with prejudice for failure to state a claim upon which relief can be granted. The motion is otherwise **DENIED**.

SIGNED this 14<sup>th</sup> day of October, 2009.



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UNITED STATES DISTRICT JUDGE